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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/660,046 09/11/2003 Robert R. Rossi JR. RRE-5-CIP 7265 22827 7590 06/08/2005 **EXAMINER** DORITY & MANNING, P.A. ROSENBAUM, MARK **POST OFFICE BOX 1449** PAPER NUMBER ART UNIT GREENVILLE, SC 29602-1449 3725

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edeations of their mapty be enables under the previous of 3° CFR 1.138(a). In no event, however, may a reply be timely filed Ethe period for reply appelled above is less barn thinty (0) days, a reply within the statutory minimum of thinty (30) days will be considered timely. Ethe period for reply appelled above is less barn thinty (0) days, a reply within the statutory minimum of thinty (30) days will be considered timely. Ethe period for reply appelled above is less barn thinty (0) days, a reply within the statutory minimum of thinty (30) days will be considered timely. Ethe period for reply appelled above is less barn thinty (0) days, a reply within the statutory minimum of thinty (30) days will be considered timely. Ethe period for reply appelled above is less barn thinty (0) days, a reply within the statutory minimum of the period of the statutory minimum of the statutory minimum of the period of the statutory minimum of the statutor		Application No.	Applicant(s)		
Mark Rosenbaum 3725		10/660,046	ROSSI, ROBERT R.		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—related for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editablished for time ruple available use the provisions of 3°C FR 113(a). In several, however, may a reply be limity filed after 55°C (by MoNTH'S from the mailing date of this communication. Editablished for reply a specified above, the maximum statutory parties via legally within the statutory maintain of thirty (30) days will be considered finely. 1 PRO period for reply a specified above, the maximum statutory parties via legally and will explore \$10.00 MONTHS from the mailing date of this communication. False to reply within the start or started previous for reply vall, by retained, cause the application to become ARANDONED (35 U.S. C. § 130). Responsive to communication(s) filed on 29 April 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1:20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 55 Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) are subject to restriction and/or election requirement. **Pepiloation Papers** 9) The specification is objected to by the Examiner. Application Papers 9) The praximage, filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some **C) None of: 1 Certified copies of the priority documents have been received in Application No. 3 Certified copies of the priority documents have been received in Application No. 4 Certified copies of the priority documents have been received in Applic	Office Action Summary	Examiner	Art Unit		
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DETAILED ACTION

Election/Restrictions

In view of the prior art that was found the restriction requirement previously set forth has been withdrawn.

Information Disclosure Statement

Each of the 5 IDS made of record have been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9,12-21,24-26,29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) in view of either German '111 (German) or Japanese '927 (Japan). APA is the apparatus listed in the first few pages of the specification. For example, this apparatus includes all of the elements of claim 1 except for the use of a guard which results in a safety problem. Both secondary references solve this problem by using guards in similar crushers. In order to provide for a needed safety feature, it would have been obvious for one of ordinary skill in the art to modify APA by providing a guard above the crusher, taught to be desirable by both the secondary references. The remaining limitations would then have been obvious design choices only. For example, the use of dampening means is well known in the art and of

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no patentable merit. Also, the exact guard support means would have been a design choice only as it solves no stated problem.

Claims 10,11,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of either Japan or German as applied to claim1 above, and further in view of Reid. The basic combination does not provide for a spray to suppress dust. Reid solves this problem by disclosing similar apparatus including spray means for dust suppression. In order to provide for dust suppression, it would have been obvious for one of ordinary skill in the art to modify APA by providing spray means, taught to be desirable by Reid.

Claims 27,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA, as used above, in view of Reid. See the above paragraph for the use of Reid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is 571-272-4523. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Mark Rosenbaum Primary Examiner Art Unit 3725

MR